

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SUSAN GEORGE,)	
Plaintiff)	
)	
Vs.)	Civil Action No.
)	
NASHOBA REGIONAL SCHOOL)	
DISTRICT,)	
Defendant)	

COMPLAINT

1. The Plaintiff, Susan George, is a natural person currently residing in Bolton, Worcester County, Massachusetts.
2. The Defendant, Nashoba Regional School District (hereinafter "NRSD"), is a governmental entity and public school district responsible for the administration of public schools located in the towns of Bolton, Lancaster and Stow.
3. The Plaintiff files this action pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1415(i)(3)(B). Said regulation grants this Court jurisdiction over all cases filed pursuant to this section, regardless of the amount in controversy.
4. The Plaintiff is the mother of a child who is disabled and is eligible to receive special education services from NRSD under the IDEA and Massachusetts

special education law. In order to maintain confidentiality of the identity of Plaintiff's child, Plaintiff's child will hereinafter be referred to as "Student."

5. Student is a child diagnosed with Autism, a condition which significantly impairs her ability to communicate, process language, control behavior, maintain attention and engage socially, among other things. Her disability significantly impedes Student's ability not only to learn, but to live independently.
6. When Student was attending NRSD, she was receiving Special Education services pursuant to an Individualized Education Plan (IEP).
7. Student failed to make progress in her areas of need while she attended school in NRSD.
8. Pursuant to the IDEA, Plaintiff filed a request for an administrative due process hearing with the Bureau of Special Education Appeals (BSEA), alleging that NRSD violated the IDEA and state special education laws by failing to make available to Student a "free and appropriate public education" (FAPE) in the IEP it proposed for Student dated 2/11/13 to 2/10/14. The relief the Plaintiff requested was that NRSD be ordered to fully fund Student's placement at RCS, which is a private school located in Natick, MA, approved

by the Commonwealth of Massachusetts to provide Special Education services. RCS is a school that serves primarily autistic children.

9. A full evidentiary hearing was conducted before a BSEA Hearing Officer on March 22, April 2 and 3, and May 16 and 28, 2013.
10. The BSEA Hearing Officer issued a final decision on the case (docket number was BSEA #1304007) on August 14, 2013, and the Plaintiff prevailed on her claims. In particular, the Hearing Officer held that NRSD's IEP and placement were inappropriate, and therefore she ordered NRSD to fully fund Student's placement at RCS immediately.
11. Student is currently a student at RCS, pursuant to the BSEA decision.
12. The Plaintiff qualifies as "a prevailing party who is the parent of a child with a disability" in the matter litigated before the BSEA, and therefore may recover reasonable attorney's fees and costs, pursuant to the IDEA, 20 U.S.C. §1415(i)(3)(B), in this action.
13. Plaintiff retained and hired undersigned counsel, Sean T. Goguen, to represent her and Student's interests regarding Student's education. Plaintiff and undersigned counsel entered into a contractual agreement whereby Plaintiff

would pay undersigned counsel on an hourly basis, as well as pay for all case expenses.

14. Undersigned counsel represented the Plaintiff during the entirety of the BSEA proceedings and spent numerous hours representing Plaintiff and preparing Plaintiff's case, as well as having to continue representing Plaintiff's and Student's legal interests after the conclusion of the BSEA hearing.
15. The Plaintiff has expended large sums of money to pay for counsel's services. The Plaintiff reserves the right to provide the Court with an actual monetary figure at the time of a hearing or trial on the merits of this case.

RELIEF REQUESTED

The Plaintiff therefore prays that the Court:

1. Grant her judgment, whether by trial or by motion, and a monetary award, pursuant to 20 U.S.C. §1415(i)(3)(B), for attorney's fees and all costs associated with undersigned counsel's representation and the litigation of Plaintiff's claims, as well as interest.
2. Grant her all other relief, whether it be in law or in equity, that the Court deems appropriate and just.

Plaintiff,
By her attorney,

/s/ Sean T. Goguen
Sean T. Goguen, Esq.
BBO #629252

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